

REMARKS

Upon entry of this amendment, claims 1-5 and 7-20 and 23-25 will be all the claims pending in the application. Claims 21 and 22 have been canceled.

Entry of the above amendment is respectfully requested.

Preliminary Matters

On page 2 of the Office Action, the Examiner indicates that the finality of the previous Office Action has been withdrawn pursuant to 37 C.F.R. § 1.114 and Applicants' submission filed September 10, 2007, has been entered.

Claim Rejections - 35 U.S.C. § 102(b)

On page 2 of the Office Action, claim 25 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ono et al. (EP 0507160A1). Applicants respectfully traverse the rejection for the following reason.

Ono et al. disclose a mixture containing polyacrylic acid and polyacrylate. On the other hand, the present invention uses a copolymer which is neither described nor suggested by the reference, i.e., a (meth)acrylic acid-base polymer having repeating units represented by formulae (1) and (2) in the recited ratio. Therefore, Applicants submit that Ono et al. do not teach each and every element of the claim.

Applicants respectfully request withdrawal of the rejection.

Claim Rejections - 35 U.S.C. §§ 102(b)/103

On page 4 of the Office Action, claims 21 and 22 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Donati et al. (EP 1 046 395).

In response, and while not admitting that the rejection is appropriate, claims 21 and 22 have been canceled, thereby rendering the rejection moot. Applicants respectfully request withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 103(a)

(A) On page 5 of the Office Action, claims 1-5, 7-11, 14, 16, 18, and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Donati et al. in view of Ono et al. and Yamazaki et al. (JP 08-225443). Applicants respectfully traverse the rejection for the following reason.

The Office Action states that Yamazaki et al. disclose using aluminum magnesium hydroxide and aluminum hydroxide as cross-linking agents in combination with an acrylic compound.

On the other hand, the present invention of claim 1 uses a water-soluble aluminum compound and aluminum magnesium hydroxide as cross-linking agent aluminum compounds. Examples of water-soluble aluminum compounds include those easily soluble in water as described in the specification, such as aluminum chloride, aluminum potassium sulfate, aluminum ammonium sulfate, aluminum nitrate, aluminum sulfate and EDTA-aluminum. See, e.g. page 14, lines 19-21.

Applicants submit that aluminum hydroxide, which is disclosed in Yamazaki et al., is almost insoluble in water and therefore is not a water-soluble aluminum compound as defined in the present invention. Thus, Yamazaki et al. do not disclose or suggest a combination of a water-soluble aluminum compound with aluminum magnesium hydroxide as claimed in the present invention, and a *prima facie* case of obviousness has not been made because the cited references do not teach or suggest each and every element of the claimed invention.

Applicants submit that the present invention is not obvious over the cited art, and further submit that claims 2-5, 7-11, 14, 16, 18 and 24 are patentable over the cited references for at least the same reasons that claim 1 is patentable over the cited references.

Withdrawal of this rejection is respectfully requested.

(B) On page 7 of the Office Action, claims 12, 15, 17, 19 and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Donati et al. in view of Ono et al. and Yamazaki et al as applied to claim 1, and further in view of Bernstein (EP 95512 A) or LaHann (U.S. Patent 4,313,958). Applicants respectfully traverse the rejection for the following reason.

Applicants submit that Bernstein and LaHann does not make up for the deficiency of Donati et al., Ono et al., and Yamazaki et al. with respect to claim 1, so the combination of Donati et al., Ono et al., and Yamazaki et al. with Bernstein or LaHann neither teaches or suggests the claimed invention.

Accordingly the present invention is not obvious over the cited art, and withdrawal of this rejection is respectfully requested.

(C) On page 8 of the Office Action, claim 13 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Donati et al. Applicants respectfully traverse the rejection for the following reason.

Claim 13 of the present invention is directed to a process of producing an adhesive composition for a dermal patch, which includes a step of dissolving the (meth)acrylic acid-base copolymer in a solvent containing a partial amount of polyhydric alcohol and a large amount of water so that the (meth)acrylic acid-base copolymer can be easily dissolved, and then adding the remaining amount of polyhydric alcohol to thereby reduce the water concentration of the obtained adhesive composition for dermal patch to 5-30% by mass. This technique utilizes a

property of the polymer that if the polymer has been dissolved in solvent (water), the polymer does not separate out of the solution even when a polyhydric alcohol (in which the polymer is not so soluble as in water) is added to the solution. This is an important technical idea characterizing the present invention.

In contrast, Donati et al. specifically discloses a method for preparing a hydrogel mixture in paragraphs [0028] to [0030]. As a first step, a part of water, fillers (kaolin and titanium dioxide) and sorbitol is mixed with one half amount of an aqueous solution containing crosslinking agents, sodium polyacrylate, and 1,3-butanediol and in the later step, the remaining half amount of the aqueous solution containing the components is further added.

Applicants submit that based on the disclosure of “one half” in Donati et al., the water content in the solution prepared in the first step is the same as the water content of the solution prepared in the later step.

Thus, since Donati et al. teaches that the water and sodium polyacrylate are added in two or more steps, it does not consider the solubility difference of the polymer in water and in polyhydric alcohol.

Therefore, Donati et al. do not teach or suggest a process where a solution containing a large amount of water is first prepared so that the (meth)acrylate-based copolymer can readily be dissolved and then components (such as polyhydric alcohol) are added to the solution thereby reducing the water concentration to 5-30% by mass, as claimed in the present invention.

Thus, Applicants submit that a *prima facie* case of obviousness has not been made because the cited reference does not teach or suggest each and every element of the claimed invention.

Accordingly the present invention is not obvious over the cited art, and withdrawal of this rejection is respectfully requested.

(D) On page 9 of the Office Action, claim 20 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Donati et al. in view of Ono et al. Applicants respectfully traverse the rejection for the following reason.

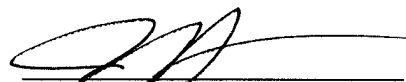
Applicants submit that Ono et al. do not make up for the deficiency of Donati et al. with respect to claim 13, so the combination of Donati et al. and Ono et al. neither teaches or suggests the claimed invention.

Accordingly the present invention is not obvious over the cited art, and withdrawal of this rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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